

The Examiner relies on Figure 2 and, particularly, blocks 11, 12, and 13. However, it is clear from column 2 of the specification that in block 11 the software merely accepts a user “key-input signal” and determines whether it is an “up-signal” or “down-signal.” See column 2, lines 31-37. Thus, it is clear that step 11 merely involves receiving a user command without “obtaining an indicia of the volume level of audio information received by said system.” All that the system receives is the user command to increase or decrease the volume; the system does not receive any information about what is the base volume level of a received signal.

The final Office Action also points to blocks 12 and 13. After block 11, once the input signal from the user is determined to be an up-signal, the level of the set control signal is increased and the graphical bars, as displayed on the screen, are also increased through a bar increment step 12. See column 2, lines 37-40. Again, it is clear that all that is being done is to increase the volume level as commanded by the user and to display a bar display of the volume level to correspond with the user’s input. Again, there is no “obtaining an indicia of the volume level of the audio information received by said system.”

Lee goes on to enter a maximum-discrimination step 13 “for checking whether the number of bars increased by the bar-increment step 12 is a maximum or not.” See column 2, lines 40-47. In other words, the user may simply increase the volume level to a maximum setting, whatever that may be. The system increases the volume by a maximum amount and displays the maximum volume setting bar data on the display screen. This maximum has nothing to do with whatever was the original input signal volume level.

The input volume is simply increased by the maximum amount without any information about what the volume level of the information was that was received.

The system must determine whether the user is attempting to increase the volume level by more than the maximum increased amount in order to control the display that indicates, by a bar graph, where the user stands with respect to the available amount of increase of volume. Once the user exceeds, or attempts to exceed the maximum, there is

no longer a bar graph that can be displayed and, therefore, the maximum amount of increase is apparently controlled.

Lee never knows what the original volume level was. All Lee knows is whether the user wishes to increase by a certain amount or decrease by a certain amount. The system simply takes whatever the user commands it receives and increases the volume by that amount or decreases it by that amount. There is one exception; if the user attempts to increase by an amount that exceeds the maximum or to decrease by an amount that exceeds the minimum, the system simply blocks such excursions. But there is no indication whatsoever, that the maximum corresponds to any given volume level. Instead, it appears that all Lee is doing is increasing by up to a maximum amount or decreasing down to a minimum amount. There is no knowledge on the system of what was the original incoming volume level. If the incoming volume level is relatively high, the maximum may be relatively high. If the incoming volume is relatively low, then the maximum value is lower than the maximum achieved with a lower original volume setting for the received signal. There is absolutely no indication at lines 35-37, or anywhere else in Lee, that Lee obtains any information about the real volume level of the incoming audio signal. Instead, it is apparent that all Lee does is receive commands from the user and responds appropriately to increase or decrease whatever volume level is received.

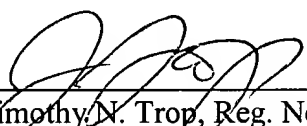
This explanation is further supported in column 3 of Lee. There it is explained that if an up-signal is received continuously, the bar graph is continuously incremented. But if the value of the level becomes a maximum by continuous inputs of the up-key, the maximum discrimination step stops the increment of the PWM output and the level is fixed to the 64 level. See column 3, lines 13-16. The 64 level is clearly the amount of up-signals that can be received. In other words, up to 64 up levels or steps may be received, because the display only displays so many bar graph symbols for the maximum level. The maximum level though is the maximum level for a given input signal volume, not the maximum necessarily for the system. For example, it is explained that 32 bars on the bar graph is the maximum up-signal. But the 32 bars are 32 increments of up-signal.

The final volume depends on what was the volume level of the input signal. Thus, there is no indication that Lee ever controls the absolute volume of the signal. Instead, all Lee does is control the maximum amount that the signal can be increased or decreased.

In view of these remarks, reconsideration of the rejection to the claims is respectfully requested.

Respectfully requested,

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